

HOUSE BILL No. 1342

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-22-21-1; IC 14-23-4.

Synopsis: Logging ban on state forest land. Prohibits the department of natural resources from selling timber from state forests. Provides that the logging ban does not apply to existing contracts. Repeals laws concerning the sale of timber from state forests.

Effective: Upon passage.

Kruzan

January 15, 2002, read first time and referred to Committee on Agriculture, Natural Resources and Rural Development.

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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

HOUSE BILL No. 1342

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-22-21-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This chapter
3 applies only to personal property owned by a governmental body that
4 is a state agency.

5 (b) This chapter does not apply to the following:

6 ~~(1) The sale of timber by the department of natural resources~~
7 ~~under IC 14-23-4.~~

8 ~~(2) (1)~~ The satisfaction of a lien or judgment by a state agency
9 under court proceedings.

10 ~~(3) (2)~~ The disposition of unclaimed property under IC 32-9-1.5.

11 SECTION 2. IC 14-23-4-1 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. It is the public
13 policy of Indiana to protect and conserve the timber, water resources,
14 wildlife, and topsoil in the state forests for the equal enjoyment and
15 guaranteed use of future generations. ~~However, by the employment of~~
16 ~~good husbandry, timber that has a substantial commercial value may be~~
17 ~~removed in a manner that benefits the growth of saplings and other~~



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1 trees by thinnings, improvement cuttings, and harvest processes and at
 2 the same time provides a source of revenue to the state and counties
 3 and provides local markets with a further source of building material.

4 SECTION 3. IC 14-23-4-3 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The
 6 department may **not** issue **or renew** permits, execute **or renew** leases,
 7 or **otherwise** contract for the removal of merchantable timber from the
 8 state forests. **under this chapter. A permit, lease, or contract must do**
 9 **the following:**

10 (1) **Determine and fix the area within which it is lawful and in the**
 11 **best interests of the state to permit the removal of timber:**

12 (2) **Specify the nature of the timber to be removed:**

13 (b) **A permit, lease, or contract must include specific provisions for**
 14 **at least the following:**

15 (1) **Adequate fire prevention measures:**

16 (2) **The completion of harvesting operations, which includes the**
 17 **disposition of the slash and repair of rights-of-way:**

18 (3) **Granting of rights-of-way:**

19 (4) **Compliance with rules adopted by the department to carry out**
 20 **this chapter:**

21 (5) **Reports to the department by the person authorized to remove**
 22 **the timber:**

23 (6) **Authorization for the state forester or the state forester's**
 24 **designee to inspect the activities:**

25 (7) **Revocation of permits for failure to comply with any of the**
 26 **following:**

27 (A) **This chapter:**

28 (B) **Rules adopted under this chapter:**

29 SECTION 4. THE FOLLOWING ARE REPEALED [EFFECTIVE
 30 UPON PASSAGE]: IC 14-23-4-4; IC14-23-4-5; IC 14-23-4-6.

31 SECTION 5. [EFFECTIVE UPON PASSAGE] (a) **This act does**
 32 **not affect the validity of a contract, lease, or permit executed or**
 33 **issued by the department of natural resources before the effective**
 34 **date of this act for the removal of merchantable timber from state**
 35 **forests.**

36 (b) **Notwithstanding IC 14-23-4, as amended by this act, a**
 37 **person who, before the effective date of this act, has been issued a**
 38 **permit or who has executed a lease or contract with the**
 39 **department of natural resources may remove merchantable timber**
 40 **from the state forests under the terms and conditions of the permit,**
 41 **lease, or contract.**

42 SECTION 6. **An emergency is declared for this act.**



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